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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/604,428	06/27/2000	Michelle Baker	BAK-007	4879
36822	7590	10/21/2005		
GORDON & JACOBSON, P.C. 60 LONG RIDGE ROAD SUITE 407 STAMFORD, CT 06902			EXAMINER VU, THONG H	
			ART UNIT	PAPER NUMBER
			2142	

DATE MAILED: 10/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/604,428

Applicant(s)

BAKER, MICHELLE

Examiner

Thong H. Vu

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

1. Claims 1-27 are pending.

***Response to Arguments***

2. Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 101***

3. Claims 1-27 are rejected under 35 U.S.C. 101 because the claimed invention is not supported by either a specific and substantial asserted utility or a well established utility.

(i.e.: an electronic mail client does not specify as method, apparatus, system, computer readable-medium).

The applicant should use this period for response to thoroughly and very closely proof read and review the whole of the application for correct correlation between reference numerals in the textual portion of the Specification and Drawings along with any minor spelling errors, general typographical errors, accuracy, assurance of proper use for Trademarks (tm), and other legal symbols ®, where required, and clarity of meaning in the Specification, Drawings, and specifically the claims (i.e., provide proper antecedent basis for "the" and "said" within each claim). Minor typographical errors could render a Patent unenforceable and so the applicant is strongly encouraged to aid in this endeavor.

4. Claims 1-27 are also rejected under 35 U.S.C. 112, first paragraph. Specifically, since the claimed invention is not supported by either a specific and substantial

asserted utility or a well established utility for the reasons set forth above, one skilled in the art clearly would not know how to use the claimed invention.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3,5-23,25-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Quinn et al [Quinn, 2005/007964 A1].

5. As per claim 8, Quinn discloses An electronic mail system [Quinn, an information system include email, abstract] comprising:

a) a first electronic mail client (i.e.: user A) having a first authoring/reading component for creating and reading electronic mail messages; and b) a second electronic mail client (i.e.: user B) having a second authoring/reading component for creating and reading electronic mail messages, wherein said first authoring/reading component creates messages in a first mode and said second authoring/reading component reads messages in a second mode, each mode causing messages to be displayed in a different manner [Quinn, user A sends message to and user B, 0072; creates records, folders, 0050-0108; system controller, system administrator, checker such as the authoring components,0085,0090,0105; edit fields and read only status, 0091,0097].

6. As per claim 9 Quinn discloses said first and second modes are selected from the group consisting of customer and vendor, teacher and student, auctioneer and bidder, and doctor and patient as clients or users [Quinn, 0072].

7. As per claim 10 Quinn discloses the mode of displaying a message is encoded (i.e.: converted) in the message by the first authoring/reading component and determined by the second authoring/reading component when the message is read [Quinn, convert, 0056, 0066, 0067].

8. As per claim 11 Quinn discloses a message displayed in said first mode allows a viewer of the message to use a first set of tools [Quinn, each application module, 0139] to respond to the message, and a message displayed in said mode allows a viewer of the message to use a second set of tools to respond to the message, said first set of tools and said second set of tools being different from each other [Quinn, user can view and select display, 0124].

9. As per claim 12 Quinn discloses a message viewed in said first mode allows the viewer of the message to see all of the information contained in the message, and a message created in said second mode allows the viewer of the message to see only a subset of the information contained in the message [Quinn, creates records, folders, 0050-0108; user can view and select display, 0124].

10. As per claim 13 Quinn discloses a message viewed in said first mode allows a viewer of the message to see the information contained in the message organized one way, and a message viewed in said second mode only allows the recipient to see the information organized in a second way different from said first way as inherent feature of read- only or read-write privileges.

11. Claims 1-3,5-23 contain the similar limitations set forth in claims 8-13. Therefore claims 1-3,5-23 are rejected for the same rationale set forth in claims 8-13.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Quinn et al [Quinn, 2005/007964 A1] as applied to claims 1-3,5-23,25-27 above, and further in view of Shaffer et al [Shaffer, 6,092,114].

12. As per claims 4 and 24, Quinn discloses the email and conversion data between the client-server network. However Quinn does not explicitly detail the Internet and MIME.

Shaffer discloses the email over Internet and MIME for convert the data file as the well-known features in the art [Shaffer, col 1 lines 15-55]

Therefore it would have been obvious to an ordinary skill in the art at the time the invention was made to incorporate the technique of using email message via Internet and MIME encoding or conversion as taught by Shaffer into the Quinn's apparatus in order to utilize the email conversion on the client-server system. Doing so would provide an efficient and reliable exchange of attached files by using the email service with MIME encoding via Internet.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

-USP 5,177,352. Falek discloses an email apparatus with mailbox, and a lock manager provides the lock modes included various exclusive or shared write and read access privileges.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thong Vu*, whose telephone number is (571)-272-3904. The examiner can normally be reached on Monday-Thursday from 6:00AM- 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Andrew Caldwell*, can be reached at (571) 272-3868. The fax number for the organization where this application or proceeding is assigned is 571-273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval IPAIRI system. Status information for published applications may be obtained from either Private PMR or Public PMR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Thong Vu*  
**Primary Examiner**  
**Art Unit 2142**

